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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,282	12/22/2005	Christianus Hermanus Leopold Weijtens	DE030223	5688
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EXAMINER				
PIZIALI, JEFFREY J				
ART UNIT		PAPER NUMBER		
2629				
MAIL DATE		DELIVERY MODE		
01/19/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/562,282

Applicant(s)WEIJTENS, CHRISTIANUS
HERMANUS LEOPOLD**Examiner**

JEFF PIZIALI

Art Unit

2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 12, 15, 16 and 18-25 is/are pending in the application.
- 4a) Of the above claim(s) 7-9, 16, 18 and 19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-6, 12, 15 and 20-25 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

2. The drawings have not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the figures.

Specification

3. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Election/Restrictions

4. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I. ***Claims 1-6 and 20-22***, drawn to a display unit combination, classified in class 345, subclass 46 (*i.e., light emitting diode displays*).

Group II. ***Claims 12, 15, and 23-25***, drawn to a display unit subcombination, classified in class 340, subclass 815.45 (*i.e., light emitting diode visual indicator circuitry*).

The inventions/groups are distinct, each from the other because of the following reasons:

5. Inventions/Groups ***I*** and ***II*** are related as combination and subcombination.

Inventions in this relationship are distinct if it can be shown that:

- (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and
- (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)).

(1) In the instant case, the **Combination** (in claims 1-6 and 20-22) as claimed does not require the particulars of the **Subcombination** as claimed (in claims 12, 15, and 23-25) because:

The **Combination** as claimed (in claims 1-6 and 20-22) does not require:

"series arrangements between the display elements, wherein each of the series arrangements includes a first switch capable of connection to a first inverter and a second switch capable of connection to a second inverter," as claimed in independent claim 12 (lines 3-6);

"a first bus for a first clock for controlling the first switch," as claimed in independent claim 12 (lines 7-8);

"a second bus for a second clock for controlling the second switch," as claimed in independent claim 12 (lines 9-10);

"the first switch and the second switch are alternately controlled by the first clock and the second clock, respectively, so that when the first switch is opened then the second switch is closed," as claimed in independent claim 12 (lines 11-14); and

"a third bus for a third clock for application to an input of one of the series arrangements so that groups of the display elements are consecutively activated," as claimed in independent claim 12 (lines 15-17) of the **Subcombination**.

(2) Furthermore, the **Subcombination** has separate utility, such as:

The **Subcombination** as claimed (*in claims 1-6 and 20-22*) can be used without requiring:

"a display including display elements which are combined into groups of display elements," as claimed in independent claim 1 (*lines 2-3*);

"a circuit arrangement for controlling the display, the circuit arrangement including switches and inverters which are connected in series to form a series arrangement," as claimed in independent claim 1 (*lines 4-6*);

"each group of the groups of display elements is connected to an output of one of the inverters," as claimed in independent claim 1 (*lines 7-8*);

"at least one clock bus line to supply a first clock signal and a second clock signal," as claimed in independent claim 1 (*lines 9-10*); and

"a first set of the switches is closed with the first clock signal when a second set of the switches is opened with the second clock signal so that after application of a third clock signal to an input of the series arrangement, at least one of the groups of display elements is activated," as claimed in independent claim 1 (*lines 10-15*) of the **Combination**.

The examiner has required restriction between combination and subcombination inventions.

Where applicant elects a subcombination, and claims thereto are subsequently found allowable, any claim(s) depending from or otherwise requiring all the limitations of the allowable subcombination will be examined for patentability in accordance with 37 CFR 1.104. See MPEP § 821.04(a).

Applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

6. The inventions listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

Any international application must relate to one invention only or to a group of inventions so linked as to form a single general inventive concept (see MPEP 1850).

As demonstrated by the “X” references on the International Search Report, at least one independent claim of the application does not avoid the prior art, therefore, the special technical feature of the application is anticipated by or obvious in view of the prior art.

Consequently, the inventions listed above do not relate to a single general inventive concept under PCT Rule 13.1.

7. Moreover, restriction for examination purposes as indicated is proper because all these inventions listed in this action are independent or distinct for the reasons given above and there would be a serious search and examination burden if restriction were not required because one or more of the following reasons apply:

- (a) the inventions have acquired a separate status in the art in view of their different classification;

- (b) the inventions have acquired a separate status in the art due to their recognized divergent subject matter;
- (c) the inventions require a different field of search (for example, searching different classes/subclasses or electronic resources, or employing different search queries);
- (d) the prior art applicable to one invention would not likely be applicable to another invention;
- (e) the inventions are likely to raise different non-prior art issues under 35 U.S.C. 101 and/or 35 U.S.C. 112, first paragraph.

8. Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeff Piziali whose telephone number is (571)272-7678. The examiner can normally be reached on Monday - Friday (6:30AM - 3PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chanh Nguyen can be reached on (571) 272-7772. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeff Piziali/
Primary Examiner, Art Unit 2629
12 January 2010